

PUBLIC MATTER

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**STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – LOS ANGELES**

In the Matter of)	Case No. 17-V-04903-PEM
)	
PREETINDER SINGH,)	DECISION GRANTING PETITION FOR
)	RELIEF FROM ACTUAL SUSPENSION
A Member of the State Bar, No. 183686.)	
)	
_____)	

Introduction¹

The issue presented in this matter is whether Preetinder Singh (petitioner) has established, by a preponderance of the evidence, his rehabilitation, present fitness to practice law, and present learning and ability in the general law so that he may be relieved from the actual suspension imposed on him by the Supreme Court. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)²

Based on petitioner's verified petition for relief from actual suspension, the State Bar's response, and the testimonial and documentary evidence at trial, the court finds that petitioner has shown, by a preponderance of the evidence, that he has satisfied the requirements of standard 1.2(c)(1), and therefore, that his actual suspension should be terminated. Accordingly, the court **GRANTS** petitioner's petition for relief from actual suspension from the practice of law.

¹ Unless otherwise indicated, all references to rules refer to the State Bar Rules of Professional Conduct. Furthermore, all statutory references are to the Business and Professions Code, unless otherwise indicated.

² All further references to standards are to this source.



Significant Procedural History

On August 21, 2017, petitioner filed and served a verified petition for relief from actual suspension, seeking the termination of his actual suspension and claiming he has satisfied the requirements of standard 1.2(c)(1).

On October 4, 2017, the Office of Chief Trial Counsel of the State Bar of California (State Bar) filed its response opposing petitioner's petition.

On October 20, 2017, a hearing was held. Petitioner was represented by attorney Ellen A. Pansky. Deputy Trial Counsel Michaela Carpio and Jennifer Kishimizu Pinney represented the State Bar. This matter was submitted for decision on October 20, 2017.

Findings of Fact

Petitioner was admitted to the practice of law in California on October 23, 1996, and has been a member of the State Bar of California at all times since that date.

Background of Misconduct and Underlying Disciplinary Matter

Since his admission in 1996, petitioner primarily practiced immigration law before the United States Immigration Court (Immigration Court).

On January 9, 2014, the Executive Office for Immigration Review filed a Notice of Intent to Discipline, alleging that petitioner had made false statements or offered false evidence, aided the unauthorized practice of law (UPL), failed to perform with competence, and engaged in a pattern and practice of conduct prejudicial to the administration of justice.

On July 10, 2014, petitioner filed a pretrial brief in which he conceded to having his assistant, Douglas Comstock (Comstock), make improper telephonic court appearances since at least July 22, 2011, and further admitted to aiding UPL.

On July 22, 2014, the disciplinary hearing took place in the Immigration Court. Comstock testified that he prepared immigration forms, met with clients, and impersonated

petitioner on multiple occasions, and that petitioner instructed him to "take care of" the hearings. At the hearing, petitioner admitted that he was to blame for Comstock's appearances and that the misconduct had occurred over the past three to four years.

On August 13, 2014, the Immigration Court issued a decision which found that petitioner was culpable of aiding UPL, prejudicing the administration of justice, and failing to perform competently. Petitioner was suspended from practice before the Immigration Courts for 16 months and prohibited from appearing telephonically in the Immigration Courts for seven years.

On September 9, 2014, petitioner filed an appeal of the Immigration Court's decision with the Board of Immigration Appeals. The appeal primarily challenged the severity of the discipline.

On December 29, 2014, the Board of Immigration Appeals dismissed the appeal, and the Immigration Court's decision became final.

In April 2015, in the underlying matter, petitioner entered into a stipulation with the State Bar regarding the misconduct, and on May 6, 2016, the Hearing Department approved the stipulation.

On September 25, 2015, the Supreme Court issued order number S227419 approving the State Bar Court findings and imposing the following discipline: petitioner was suspended from the practice of law for a period of three years, execution stayed, with three years of probation and an actual suspension of two years, and until petitioner shows proof of rehabilitation, fitness to practice, and present learning and ability pursuant to standard 1.2(c)(1). Other conditions of probation included submission of quarterly reports to the Office of Probation and successful completion of Ethics School and the Multistate Professional Responsibility Examination (MPRE). The Supreme Court order also required petitioner to comply with the provisions of

California Rules of Court, rule 9.20(a) and (c), within 30 and 40 days, respectively. The order became effective on October 25, 2015. (State Bar Court case No. 15-J-11101.)

Specifically, petitioner stipulated to the following:

1. *Matter of Bhupinder Singh*

On July 29, 2013, in the immigration matter entitled *Matter of Bhupinder Singh*, Immigration Court, case No. A205-934-896, petitioner executed a Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court, and entered his appearance as counsel of record.

On August 27, 2013, at petitioner's request, Comstock impersonated respondent during a telephonic court appearance in the *Bhupinder Singh* matter. During this telephonic appearance, Comstock entered pleadings on the record, conceded Singh's removability, and requested additional time to prepare an application for asylum, withholding of removal, and protection under the Convention Against Torture.

2. *Matter of Manpreet Singh*

On July 29, 2013, in the immigration matter entitled *Matter of Manpreet Singh*, Immigration Court, case No. A205-937-188, petitioner executed a Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court, and entered his appearance as counsel of record.

On October 29, 2013, at petitioner's request, Comstock impersonated petitioner during a telephonic court appearance in the *Manpreet Singh* matter. During this telephonic appearance, Comstock indicated that he was ready to enter pleadings even though he did not have and had not reviewed the charging document, and requested a continuance for attorney preparation.

3. *Matter of Gurmeet Singh*

On October 11, 2013, in the immigration matter entitled *Matter of Gurmeet Singh*,

Immigration Court, case No. A205-941-702, petitioner executed a Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court, and entered his appearance as counsel of record.

On October 23, 2013, at petitioner's request, Comstock impersonated petitioner during a telephonic court appearance in the *Gurmeet Singh* matter. During the hearing, Comstock conceded proper service of the charging document, entered pleadings, conceded Singh's removability, and requested additional time to prepare an application for asylum, withholding of removal, and protection under the Convention Against Torture.

4. *Matter of Gurnam Singh*

On October 17, 2013, in the immigration matter entitled *Matter of Gurnam Singh*, Immigration Court, case No. A205-937-069, petitioner executed a Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court, and entered his appearance as counsel of record.

On October 27, 2013, at petitioner's request, Comstock impersonated petitioner during a telephonic court appearance in the *Gurnam Singh* matter. During this hearing, Comstock entered pleadings, conceded Singh's removability, and requested additional time to prepare an application for asylum, withholding of removal, and protection under the Convention Against Torture.

5. *Matter of Sukhjinder Singh*

On October 28, 2013, in the immigration matter entitled *Matter of Sukhjinder Singh*, Immigration Court, case No. A205-905-585, petitioner executed a Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court, and entered his appearance as counsel of record.

On October 29, 2013, at petitioner's request, Comstock impersonated petitioner during a telephonic court appearance. During this appearance, Comstock requested a continuance for attorney preparation.

6. *Matter of Jaspal Singh*

On October 28, 2013, in the immigration matter entitled *Matter of Jaspal Singh*, Immigration Court, case No. A205-934-906, petitioner executed a Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court, and entered his appearance as counsel of record.

On October 29, 2013, at petitioner's request, Comstock impersonated petitioner during a telephonic court appearance in the *Jaspal Singh* matter. During this appearance, Comstock requested a continuance for attorney preparation.

7. *Matter of Baljit Singh*

On October 11, 2013, in the immigration matter entitled *Matter of Baljit Singh*, Immigration Court, case No. A205-935-878, petitioner executed a Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court, and entered his appearance as counsel of record.

On November 19, 2013, at petitioner's request, Comstock impersonated respondent during a telephonic court appearance in the *Baljit Singh* matter. Assistant Chief Counsel Ryan Goldstein (Goldstein), counsel for the Department of Homeland Security, did not recognize Comstock's voice and told the court that he doubted that the individual on the phone was the petitioner. The court asked Comstock to confirm that he was the petitioner, and Comstock stated, "This is attorney Peter Singh, your honor." The hearing proceeded, and at the conclusion of the hearing, the case was continued to November 21, 2013.

On November 21, 2013, petitioner and Goldstein appeared in person before the court in the *Baljit Singh* matter. At the hearing, petitioner admitted that, after the November 19, 2013 hearing, petitioner telephoned Goldstein, first to claim he had appeared telephonically but had been in a closet at the time, but eventually admitted that he had not been on the phone for the hearing, and that Comstock had appeared. Petitioner further admitted that he had asked Comstock to impersonate him and appear on his behalf before the Immigration Court, that he had engaged in aiding the unauthorized practice of law, and that he knew it was a crime to have his assistant impersonate him and appear on his behalf before the Immigration Court.

8. *Matter of Alfredo Esquivel-Lucio*

On June 11, 2012, in the immigration matter entitled *Matter of Alfredo Esquivel-Lucio*, Immigration Court, case No. A205-385-812, petitioner executed a Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court, and entered his appearance as counsel of record.

On August 28, 2012, at petitioner's request, Comstock impersonated petitioner during a telephonic court appearance in the *Esquivel-Lucio* matter. During this appearance, Comstock allowed evidence to be entered into the record, explained to the court that petitioner's client would not be seeking asylum on account of the one-year filing deadline, and requested a three-week continuance in order to complete Esquivel-Lucio's declaration for withholding of removal and protection under the Convention Against Torture.

Rehabilitation and Fitness to Practice Law

The State Bar argues that petitioner has not been rehabilitated and does not have present fitness to practice law. The court disagrees.

Valley Immigration Law Group, Inc.

In January 2015, in anticipation of his suspension and pursuant to the Rules of the State Bar, petitioner formed a new law corporation, Valley Immigration Law Group, Inc., transferring all his shares in the law corporation to other lawyers, and expecting that he will once again receive shares in the law corporation when he becomes entitled to practice law. (Rules of State Bar, tit. 3, Programs and Services, rules 3.157(E) and (F).)³

Attorney Rachelle H. Cohen of Kehr, Schiff & Crane LLP, an expert witness, opined that until petitioner's suspension took effect, he was entitled to form the corporation through which he could practice law. Once his suspension took effect, as required, he transferred his shares to a licensed person within 90 days. He is entitled to purchase back these shares following the end of his suspension, and the timing of his negotiation of the repurchase is not significant. Attorney Cohen believes that petitioner acted properly with respect to his ownership obligations with Valley Immigration Law Group and with the transfer of his shares in the corporation.

Beginning June 27, 2016, petitioner has been working at Valley Immigration Law Group, Inc., in Fresno, as a part-time administrative assistant. His work primarily consists of providing background administrative support, calendar management, and internal follow-up with other employees. He takes great care to avoid any type of client contact and does not hold himself out in any manner that would give the false impression that he is a licensed lawyer.

³ Rule 3.157 of the Rules of the State Bar provides:

(E) The shares of a shareholder who is ineligible to practice law or legally disqualified (Bus. & Prof. Code, §§ 6166, 6171, subd. (a), and Corp. Code, § 13401, subd. (e)) to render professional services to the law corporation must be sold or transferred to a qualified shareholder within ninety days after the date of ineligibility or disqualification. The terms of such a sale or transfer of shares must be set forth in the articles, the bylaws, or a written agreement.

(F) The shares of a shareholder disqualified for any reason may be resold to that shareholder upon his or her becoming eligible to practice law.

The State Bar essentially argues that respondent does not have present fitness to practice law because he did not reveal in his declaration that Valley Immigration Law Group was founded by him two weeks after he was suspended by the Immigration Court.

By a preponderance of the evidence, petitioner complied with the applicable law. Contrary to State Bar's argument, petitioner is allowed to form a corporation and transfer his shares of the firm to Valley Immigration Law Group in anticipation of his suspension under rules 3.157(E) and (F) of the Rules of the State Bar. Omitting to reveal that he had formed a corporation is, therefore, irrelevant to his present fitness to practice law.

Malpractice Lawsuit

On December 3, 2015, petitioner was sued by a client for legal malpractice that occurred before he stipulated to discipline in May 2015 in the underlying case. The parties settled.

The State Bar argues that petitioner should have reported that he had been sued for malpractice while on suspension.

Business and Professions Code section 6068(o)(1), provides that within 30 days of knowledge, an attorney has a duty to report, in writing, to the State Bar the filing of three or more lawsuits in a 12-month period against the attorney for malpractice or other wrongful conduct committed in a professional capacity. Here, there was one lawsuit, not three. Therefore, petitioner was under no legal obligation to report the one malpractice lawsuit filed against him.

Doug Comstock

Finally, the State Bar argues that petitioner did not apologize to any of the clients who were harmed by his misconduct nor did he apologize to Comstock. State Bar argues that in not apologizing he has not fully confronted the harm he caused.

Doug Comstock, who worked for petitioner for more than seven years, declared that he suffered no adverse consequences as a result of petitioner's misconduct and subsequent suspension.

In conclusion, the court finds by a preponderance of the evidence that petitioner has demonstrated the rehabilitation and present fitness to practice law, and so meets the requirements of this portion of standard 1.2(c)(1).

1. Compliance With the Supreme Court Order

Pursuant to Supreme Court case No. S227419, in October 2015, petitioner was suspended for three years, execution stayed, and placed on probation for three years on conditions, including that he be actually suspended for two years and until he satisfies standard 1.2(c)(1). Petitioner's three years' probation conditions included quarterly reports, successful and timely completion of State Bar Ethics School and the MPRE.

On October 6, 2016, petitioner completed the State Bar Ethics School requirement. In March 2017, petitioner took and passed the MPRE. Petitioner also made contact with the Office of Probation in a timely manner and met with the probation deputy as scheduled. Petitioner timely filed the California Rules of Court, rule 9.20 affidavit, and submitted timely, accurate and complete quarterly reports to date. Accordingly, the court finds that petitioner has complied with his probation conditions and the Supreme Court order.

2. Character References

Petitioner submitted 10 favorable character witness declarations in support of his petition. Petitioner's character witnesses include six attorneys and four clients, one of whom is a physician and another who is a director of career services at a college. Many of whom have known petitioner for more than 20 years. Each character witness praised his honesty, dedication to clients, passion for helping needy individuals, and remorse for his misconduct. They declared

that petitioner is compassionate, provides assistance in the Sikh community in the Fresno area, and went above and beyond in helping the underprivileged in providing pro bono legal services in the past. One witness declared that petitioner "is a remarkable person who has touched [his] life like an angel," by helping him in his immigration matter and never charged him any money for the legal representation. Another witness declared that his "sincere passion for helping others speaks volumes about his character." They believe that petitioner is "a far better person now after having gone through a devastating period of humiliation and self-reflection." These witnesses clearly demonstrated an understanding of petitioner's misconduct and the measures he has taken to achieve rehabilitation. All urged that petitioner be given a second chance and be reinstated as an active member of the State Bar.

Petitioner has shown an understanding of and remorse for the misconduct that led to his actual suspension. He has taken full responsibility for his misconduct. The State Bar did not rebut any of the evidence submitted.

Accordingly, in this proceeding, petitioner has shown that his favorable character reference letters from attorneys and his friends are entitled to considerable weight. (*Feinstein v. State Bar* (1952) 39 Cal.2d 541, 547.) The court finds the favorable character evidence to be of sufficient value to support petitioner's rehabilitation and present fitness.

3. Community Service Work

For 40 weekends out of 52 weekends a year, petitioner volunteers at his Sikh temple. And for the last five to six years, he has donated to Poverello House, a charity organization that provides free food to the poor.

Present Learning and Ability in the Law

The parties have stipulated that petitioner has present learning and ability in the law, as evidenced by his regular reading of legal journals, articles, news, and manuals, and his completion of a variety of legal continuing education courses.

Discussion

In order to be relieved of his actual suspension, petitioner has the burden of proving in this proceeding, by a preponderance of the evidence, that he is rehabilitated, has present fitness to practice, and present learning and ability in the general law. (*In the Matter of Murphy* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 571, 578.)

To establish rehabilitation, the court must first consider the prior misconduct from which petitioner seeks to show rehabilitation. The amount of rehabilitation evidence varies according to the seriousness of the misconduct at issue. Second, the court must examine petitioner's actions since the imposition of his discipline to determine whether his actions in light of the prior misconduct, sufficiently demonstrate rehabilitation by a preponderance of the evidence. (*In the Matter of Murphy, supra*, 3 Cal. State Bar Ct. Rptr. at p. 581.)

Petitioner must show: (1) strict compliance with the terms of probation in the underlying disciplinary matter; (2) exemplary conduct from the time of the imposition of the prior discipline; and (3) "the conduct evidencing rehabilitation is such that the court may make a determination that the conduct leading to the discipline . . . is not likely to be repeated." (*In the Matter of Murphy, supra*, 3 Cal. State Bar Ct. Rptr. at p. 581.)

"In weighing such a determination, the court should look to the nature of the underlying offense, or offenses; any aggravation, other misconduct or mitigation that may have been considered; and any evidence adduced that bears on whether the cause or causes of such

misconduct have been eliminated.” (*In the Matter of Murphy, supra*, 3 Cal. State Bar Ct. Rptr. at p. 581.)

Rehabilitation and Present Fitness to Practice Law

As noted, the court concludes that petitioner has demonstrated remorse for his misconduct, as evidenced by his initial stipulation to the misconduct and his subsequent commitment to comply with all of his probation requirements. The remaining issue is whether he has shown rehabilitation and whether the conduct leading to his discipline is “not likely to be repeated.” Petitioner argues that he will remain on probation for another year during which time the Office of Probation will continue to monitor him. He is not allowed to make telephonic appearances before the Immigration Court for another four years after he returns to active status. The court finds his arguments to be compelling. The fact that in the underlying stipulation he had no prior discipline in 15 years of practice is an indication that it is highly unlikely that the misconduct will recur.

The court finds petitioner to be credible and finds his position well-substantiated. He has presented strong evidence of good character through the favorable reference letters from attorneys and friends. All of whom believed in his fitness and moral character and strongly support petitioner’s request for relief from suspension. The letters show that petitioner has been open and forthright with his character references by providing them with a full understanding of the nature and scope of his prior misconduct. They believe that petitioner is committed to avoiding any misconduct in the future.

After carefully reviewing and weighing all the evidence and taking into account petitioner’s demeanor at the hearing in this proceeding, the court finds that petitioner has addressed the issues that led to his suspension. Petitioner has demonstrated an understanding and insight into the nature and scope of his past misconduct. He has accepted responsibility for

all prior acts of misconduct and has expressed remorse for his behavior. He has vowed to avoid similar misconduct in the future. The fact that petitioner understands his professional responsibilities and has a proper attitude towards his prior misconduct is evidence of rehabilitation. (*In the Matter of Brown* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 309, 317.)

Accordingly, the court finds, by a preponderance of the evidence, that petitioner is rehabilitated such that the misconduct in the underlying matter is unlikely to recur.

Present Learning and Ability in the Law

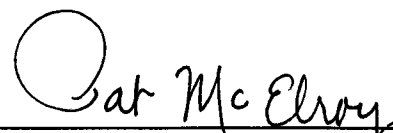
In the instant proceeding, the parties stipulated that petitioner has present learning and ability in the law. Therefore, based upon evidence presented in this proceeding and upon the findings of fact set forth above, this court concludes, by a preponderance of the evidence, that petitioner has present learning and ability in the general law.

Conclusion

The court finds that petitioner **Preetinder Singh** has satisfied the requirements of standard 1.2(c)(1) and that he has demonstrated, by a preponderance of the evidence and to the satisfaction of this court, that he is rehabilitated, that he is presently fit to practice law, and that he has present learning and ability in the general law.

Accordingly, petitioner's petition for relief from actual suspension from the practice of law pursuant to standard 1.2(c)(1) is hereby **GRANTED**. It is further ordered that petitioner's actual suspension from the practice of law in California is hereby terminated and he is entitled to resume the practice of law in this state upon the payment of all applicable State Bar fees and costs.

Dated: November 1, 2017



PAT McELROY
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on November 1, 2017, I deposited a true copy of the following document(s):

DECISION GRANTING PETITION FOR RELIEF FROM ACTUAL SUSPENSION


in a sealed envelope for collection and mailing on that date as follows:

by overnight mail at San Francisco, California, addressed as follows:

ELLEN ANNE PANSKY
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ASAMI J. KISHIMIZU PINNEY
THE STATE BAR OF CALIFORNIA
845 S FIGUEROA ST
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I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on November 1, 2017.


Laurretta Cramer
Case Administrator
State Bar Court